

REMARKS

Upon entry of these amendments, claims 1-7 and 9-36 are pending in this application. Claim 1 was amended to specify that the polypeptide aggregate comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), A β , A β_{1-42} , prion protein, α -synuclein, and fragments thereof. Support for this amendment is found, *e.g.*, at page 3, lines 14-16 and in as-filed claims 8-13. Claim 14 was amended to correct an error in claim dependency. Claim 19 was amended to specify that an increase in scattered light emitted from a supranuclear or deep cortical region of an ocular lens is indicative of the presence of a polypeptide aggregate, wherein said polypeptide aggregate comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), A β , A β_{1-42} , prion protein, α -synuclein, and fragments thereof. Support for this amendment is found, *e.g.*, at page 3, lines 14-30. Claim 28 was amended to specify that the amyloid protein is selected from the group consisting of β -amyloid precursor protein (APP), A β , A β_{1-42} , prion protein, α -synuclein, and fragments thereof. Support for this amendment is found, *e.g.*, at page 3, lines 14-30. Claim 31 was amended to specify that the polypeptide aggregate comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), A β , A β_{1-42} , prion protein, α -synuclein, and fragments thereof. Support for this amendment is found, *e.g.*, at page 3, lines 14-30.

Thus, no new matter has been added by these amendments.

Claim Objections

The Examiner has objected to claim 14 for being dependent on itself. Applicants have herein amended claim 14 to make that claim dependent from claim 1.

Double Patenting

The Examiner has rejected claims 1, 4-9 and 31-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 8, 10, 11, and 17 of United States Patent No. 6,849,249. In response, Applicants submit herewith a terminal disclaimer along with the appropriate fee. As such, this rejection should be withdrawn.

Claim Rejections--35 USC § 112

The Examiner has rejected claims 1-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Examiner, “it appears that there is no link with a polypeptide being present in the eye for the various diseases claimed or what specific polypeptide is associate with these certain diseases. The claims do not have a clear association between the detection of ‘polypeptide’ and the diagnosis of various diseases.” (Office Action at page 3). Applicants disagree.

Independent claims 1 and 31 have been amended herein to specify that the polypeptide aggregate comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), $A\beta$, $A\beta_{1-42}$, prion protein, α -synuclein, and fragments thereof. Moreover, independent claim 19 has been amended to specify that an increase in scattered light emitted from a supranuclear or deep cortical region of an ocular lens is indicative of the presence of a polypeptide aggregate, wherein the polypeptide aggregate comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), $A\beta$, $A\beta_{1-42}$, prion protein, α -synuclein, and fragments thereof. In addition, independent claim 28 has been amended herein to specify that the amyloid protein is selected from the group consisting of β -amyloid precursor protein (APP), $A\beta$, $A\beta_{1-42}$, prion protein, α -synuclein, and fragments thereof. As a result, Applicants submit that each of the pending independent claims, as amended herein, is fully enabled by the as-filed specification.

Moreover, claims 2-7, 9-18, 20-27, 29-30, and 32-36 all depend directly or indirectly from independent claims 1, 19, 28, or 31. As such, they necessarily contain all of the limitations of the claims from which they depend. Therefore, for the reasons articulated above, Applicants contend that these dependent claims are also fully enabled by the as-filed specification.

Therefore, this rejection of claims 1-36 for lack of enablement should be withdrawn.

The Examiner has also rejected claims 19-27 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. According to the Examiner, these claims are not enabled because they do not include the detection of a protein. (See Office Action at page 3). Applicants have amended the claims to overcome the rejection.

Claim 19 has been amended herein to specify that an increase in scattered light emitted from a supranuclear or deep cortical region of an ocular lens is indicative of the presence of a polypeptide aggregate, which comprises an amyloid protein selected from the group consisting of β -amyloid precursor protein (APP), $A\beta$, $A\beta_{1-42}$, prion protein, α -synuclein, and fragments thereof. Accordingly, Applicants contend that this claim is fully enabled by the as-filed specification.

Moreover, claims 20-27 each depend from amended claim 19. As such, they necessarily contain all of the limitation of this claim. Therefore, Applicants contend that dependent claims 20-27 are also fully enabled by the as-filed specification.

Thus, for these reasons, the rejection of claims 19-27 for lack of enablement should also be withdrawn.

CONCLUSION

Applicant submits that the application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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